

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANET TOKARCZYK,

Plaintiff,

v.

Case No. 08-12481
Honorable Patrick J. Duggan

A.G. EDWARDS & SONS, INC. and
WACHOVIA SECURITIES LLC,

Defendants.

_____/

ROBERT N. TOKARCZYK, Personal
Representative of THE ESTATE OF ROBERT
TOKARCZYK, Deceased

Intervening Plaintiff,

v.

JANET TOKARCZYK,

Cross-Defendant.

_____/

JUDGMENT

Plaintiff Janet Tokarczyk (“Mrs. Tokarczyk”) filed this action against Defendants, seeking a declaratory judgment that she is the sole beneficiary of individual retirement accounts that her late ex-husband held with Defendant A.G. Edwards & Sons, Inc., identified as Account Nos. 6149-3411 and 6149-3429. Robert N. Tokarczyk (“Robert”), the son of Mrs. Tokarczyk’s ex-husband and the personal representative of his father’s estate, has intervened in this action, claiming that the estate is the rightful owner of the

accounts. Robert filed a complaint against Mrs. Tokarczyk, alleging breach of contract and seeking a declaratory judgment that the accounts belong to the estate. Mrs. Tokarczyk and Robert subsequently filed cross-motions for summary judgment. In an opinion and order entered on April 15, 2009, the Court granted Robert's motion and denied Mrs. Tokarczyk's motions. On April 29, 2009, the parties stipulated that the Court's April 15 decision resolves all pending claims and issues between them.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED, that Janet Tokarczyk's complaint is **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Court **GRANTS** the request for declaratory judgment filed by Robert N. Tokarczyk as personal representative of the Estate of Robert Tokarczyk and **DECLARES** that the Estate of Robert Tokarczyk is the sole owner of the individual retirement accounts that are the subject of this litigation.

DATE: April 29, 2009

____ s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Kenneth F. Neuman, Esq.
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Gary Saretsky, Esq.